



A. H. Stronks  
Member of The Netherlands Society of Interpreters and Translators

To the Court of First  
Instance of Aruba  
Aruba

Respectfully declares:

The legal entities under the laws of the U.S.:

- **BELFONTI HOLDINGS LLC**, a limited liability company under the laws of the State of Delaware, domiciled there;
- **BELFONTI CAPITAL PARTNERS LLC**, a limited liability company under the laws of the State of Delaware, also domiciled there;
- **MCR PROPERTY MANAGEMENT INC.** a corporation under the laws of the State of Connecticut, domiciled and having its registered office in Connecticut;
- **CEB IRREVOCABLE TRUST**, an irrevocable trust, of which Mr. Dana Eric Friedman acts as the trustee;

All electing domicile in these proceedings at Emanstraat 49-A, at the office of the lawyers Sjiem Fat & Kuster, while all the lawyers working at this office are authorized to act in these proceedings.

1. defendant in these proceedings is the Aruban corporation **ARUBA HOTEL ENTERPRISES N.V.**, domiciled and having its registered offices at J.E. Irausquin Boulevard # 77, in Aruba, also to be named "AHE" hereinafter.
2. AHE is the owner of the hotel building located at J.E. Irausquin Boulevard # 77, in Aruba, in which building the "Aruba Westin Resort" is established at present, also to be named "the Hotel" hereinafter.
3. plaintiffs are the entities of which the principals and managing directors or trustee are Mr. Michael Belfoni and a number of other citizens of the U.S. In 2006 and 2007, plaintiffs made several payments to AHE, or for AHE to third parties, by title of loan, which

amounts of money, notwithstanding notice of default, AHE still did not pay back.

4. Therefore, plaintiffs have a due and payable claim on AHE on account of these moneys loaned to AHE. The aforementioned payments to AHE may be specified as follows.
6. On May 3, 2006 BELFONTI CAPITAL PARTNERS LLC loaned AHE an amount of US\$ 4,873,702.86. This amount is also mentioned in AHE's books as being due to this entity.
7. Furthermore, plaintiffs granted AHE several other loans. Namely:
  - a. on July 25, 2006; loan of BELFONTI HOLDINGS LLC in the amount of 499,950.00 for operating capital AHE needed pursuant to the operating agreement concerning the Hotel concluded with Westin Aruba Management LLC.
  - b. on December 8, 2006; payment of BELFONTI CAPITAL PARTNERS LLC to WACHOVIA NATIONAL BANK ASSOCIATION, hereinafter WACHOVIA, in the amount of US\$ 393,000.00, so that AHE could fulfill its monthly redemption obligation towards this bank, also mortgagee, which financed the purchase of the hotel by means of a loan in the amount of US\$ 230 million.
  - c. on or about January 8, 2006 [2007?, translator]; loan of MCR PROPERTY MANAGEMENT INC, in the amount of US\$ 1,307,611.80, so that AHE could pay WACHOVIA the monthly redemption. Payment of this amount took place to the law firm Harlow, Adams & Friedman, PC. which subsequently transferred this amount to WACHOVIA for AHE.
  - d. on January 8, 2006; loan of CEB IRREVOCABLE TRUST in the amount of US\$ [2007?, translator] 548,250.--, so that AHE could pay WACHOVIA the monthly redemption. This amount was paid by DANA FRIEDMAN directly to WACHOVIA for AHE.
  - e. on March 9, 2007; loan of MCR PROPERTY MANAGEMENT INC in the amount of US\$ 1,161,874.--, so that AHE could pay WACHOVIA the monthly redemption.
9. Therefore, plaintiffs have a right and interest to institute these proceedings against AHE. They refer to the spreadsheet attached for another survey of the payments/loans in question.

FOR WHICH REASONS YOUR HONOR MAY SEE FIT to order AHE by judgment executable by anticipation, to make the following payments to plaintiffs:

- BELFONTI HOLDINGS LLC US\$ 499,950.00
- BELFONTI CAPITAL PARTNERS LLC US\$ 5,266,702.86
- MCR PROPERTY MANAGEMENT INC. US\$ 2,469,485.80
- CEB IRREVOCABLE TRUST US\$ 548,250.00

and this augmented by the statutory interest as of this day. Costs to be determined by the Court.

*[as signed:]*

Johan P. Sjiem Fat, lawyer

Aruba, August 24, 2007



Aan het Gerecht in  
Eerste Aanleg van Aruba  
Ahier

Geven eerbiedig te kennen:

De rechtspersonen naar het recht van de V.S.:

-BELFONTI HOLDINGS LLC, een limited liability company naar het recht van de (deel)staat Delaware, gevestigd aldaar;

-BELFONTI CAPITAL PARTNERS LLC, een limited liability company naar het recht van de staat Delaware, ook gevestigd aldaar;

-MCR PROPERTY MANAGEMENT INC, een corporation naar het recht van de staat Connecticut, gevestigd en kantoorhoudende te Connecticut;

-CEB IRREVOCABLE TRUST, een irrevocable trust, waarvan de heer Dana Eric Friedman optreedt als trustee;

Ten deze allen woonplaats kiezende aan de Emanstraat 49-A ten kantore van de advocaten Sjiem Fat & Kuster, zijnde ieder der aan dit kantoor verbonden advocaten gemachtigd te occuperen in deze.

1. **gedaagde** ten deze is de Arubaanse naamloze vennootschap **ARUBA HOTEL ENTERPRISES N.V.**, gevestigd en kantoorhoudende aan de J.E. Irausquin Boulevard # 77 te Aruba, hierna ook "AHE".
2. AHE is de eigenaar van het hotelgebouw gelegen aan de J.E. Irausquin Boulevard # 77 te Aruba, in welk gebouw thans het "Aruba Westin Resort" gevestigd is, hierna ook "het Hotel".
3. eisers zijn entiteiten waarvan de principalen en bestuurders dan wel trustee zijn de heer Michael Belfonti, en een aantal andere burgers van de VS. Eisers hebben in 2006 en 2007 diverse betalingen aan AHE, dan wel ten behoeve van AHE aan derden gedaan, ten titel van geldlening, welke bedragen AHE, niettegenstaande ingebrekestelling, nog niet heeft terugbetaald.
4. eisers hebben derhalve een opeisbare vordering op AHE terzake deze aan AHE geleende gelden. De voormelde betalingen aan AHE kunnen als volgt gespecificeerd worden.
6. op 3 mei 2006 heeft BELFONTI CAPITAL PARTNERS LLC een bedrag groot US\$ 4,873,702.86 aan AHE geleend. Dit bedrag staat in AHE's boeken ook opgenomen als zijnde verschuldigd aan deze entiteit.
7. voorts hebben eisers diverse andere leningen aan AHE verstrekt. Te weten:
  - a. op 25 juli 2006; lening van BELFONTI HOLDINGS LLC groot US\$ 499,950.00 ten behoeve van werkkapitaal dat AHE nodig had ingevolge een met Westin Aruba Hotel Management LLC gesloten exploitatie-overeenkomst m.b.t. het Hotel.